SUPPLEMENT TO THE TRAV. GOVT. GAZETTE No. 29.
DATED THE 22ND KUMBHAM 1121./5TH MARCH 1946

Act XV of 1121.

THE CIVIL PROCEDURE CODE (AMENDMENT) ACT, 1121.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 19TH KUMBHAM 1121 CORRESPONDING TO THE 2ND MARCH 1946 UNDER SECTION 23 OF ACT II OF 1108.

Preamble.

Whereas it is expedient further to amend the Code of Civil Procedure, 1100 (Act VIII of 1100) as amended by Acts X of 1100, III of 1101, II of 1116, XXI of 1117, VI of 1119 and V of 1120, for certain purposes;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Civil Procedure Code (Amendment) Act, 1121.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

Substitution of Section 92, Act VIII of 1100.

2. For Section 92 of the Code of Civil Procedure, 1100 (Act VIII of 1100) as amended by Acts X of 1100, III of 1101, II of 1116, XXI of 1117, VI of 1119 and V of 1120, (hereinafter referred to as the said Code), the following Section shall be substituted, namely:—

Constitution of the Rule Committee.

"92. (1) A Committee to be called the Rule Committee shall be constituted at Trivandrum.

(2) Such Committee shall consist of the following persons, namely:—

(a) two Judges of the High Court one of whom at least has served as a District and Sessions Judge,

(b) two Advocates practising in the High Court, and

(c) the Advocate-General.

(3) The members of such Committee, except the Advocate General, shall be appointed by the Chief Justice, who shall also nominate one of their number to be President:

Provided that if the Chief Justice elects to be a member of the Committee there shall be only one other High Court Judge appointed as a member and the Chief Justice shall be the President of the Committee.

(4) Each member of the Committee other than the Advocate-General shall hold office for such period as may be prescribed by the Chief Justice in this behalf; and whenever any such member retires, resigns, dies or ceases to reside in Travancore or becomes incapable of acting as a member of the Committee, the Chief Justice may appoint another person to be a member in his stead.

(5) There shall be a Secretary to such Committee, who shall be appointed by the Chief Justice and shall receive such remuneration as may be provided in this behalf by Our Government."

3. For Section 93 of the said Code, the following section shall be substituted, namely:—

Substitution of Section 93, Act VIII of 1100.

"93. The Rule Committee shall make a report to the High Court on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules, and before making any rules under Section 91 the High Court shall take such report into consideration."

Committee to report to High Court.

4. Section 94 of the said Code shall be omitted.

Omission of Section 94, Act VIII of 1100.

5. In Section 95 of the said Code,

Amendment of Section 95, Act VIII of 1100.

(a) in sub-section (1) for the word "sanction" the word "approval" shall be substituted;

(b) in sub-section (2) for the word "sanctioned" the word "approved" shall be substituted.

6. After clause (e) of sub-section (2) of Section 96 of the said Code, the following clause shall be inserted, namely:—

Amendment of Section 96, Act VIII of 1100.

"(ee) summary procedure —

(i) in suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising,

on a contract express or implied; or

on an enactment where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty; or

on a guarantee, where the claim against the principal is in respect of a debt or a liquidated demand only; or

on a trust; or

(ii) in suits for the recovery of immovable property with or without a claim for rent or mesne profits, by a landlord against a tenant whose term has expired or has been duly determined by notice to quit, or has become liable to forfeiture for non-payment of rent, or against persons claiming under such tenant."

7. In Order XXXIII in the First Schedule to the said Code,

(a) after Rule 11 the following rule shall be inserted, namely:—

Amendment of Order XXXIII, Act VIII of 1100.

"11A. Where the suit abates by reason of the death of the plaintiff or of any person added as a co-plaintiff the court shall order that the amount of court fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper shall be recoverable by the Government from the estate of the deceased plaintiff";

Procedure where pauper suit abates.

(b) in Rule 12 for the words and figures "or rule 11" the words, figures and letter "rule 11 or rule 11A" shall be substituted;

(c) in Rule 13 after the word and figures "rule 11" the word, figures and letter "rule 11A" shall be inserted;

(*d*) for Rule 14 the following rule shall be substituted, namely :—

Recovery of amount of court fees.

"14. Where an order is made under rule 10, rule 11, or rule 11A, the Court shall forthwith cause a copy of the decree or order to be forwarded to the Division Peishkar who may without prejudice to any other mode of recovery, recover the amount of court fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue."

SIGN MANUAL

PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS
TRIVANDRUM, 1945.